

# Notice of Allowability

Application No.

10/783,902

Examiner

Kim M. Lewis

Applicant(s)

PETERS, RICK E.

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3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/20/04.
2. ☒ The allowed claim(s) is/are 16-19.
3. ☒ The drawings filed on 20 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/20/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Kim M. Lewis  
Primary Examiner  
AU 3743

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### In The Specification

Page 7, line 32, after "connectors" insert --36D--.

2. The following is an examiner's statement of reasons for allowance: ankle braces are known as demonstrated by the prior art of record. However, the prior art of record fails to teach or fairly suggest an ankle brace comprising "a first outwardly-projecting U-shaped post having top and bottom ends secured to said left arm and defining a first slot between said first post and said left arm; a second outwardly-projecting U-shaped post having top and bottom ends secured to said right arm and defining a second slot between said second post and said right arm, said second post extending generally parallel to said first post; a first fastener located on the outer surface of one of said arms forward of its respective post; and, a closure strap having first and second ends and first and second surfaces, said first end having a second fastener which cooperates with said first fastener to secure said first end of said strap to said one arm, and said strap further including a securing means to secure the second end of said strap to an intermediate portion of said strap, wherein said strap is fed through said first slot and

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through said second slot, and said second end of said strap folds back over and is secured onto itself at said intermediate portion, as presently claimed.

3. The prior art also fails to teach an ankle brace comprising a flexible rear cuff extending rearwardly from and attached to the upper portion of each of said pivot legs; a first outwardly-projecting U-shaped post secured to said first pivot leg and defining a slot between said first post and said first pivot leg; a second outwardly-projecting U-shaped post secured to said second pivot leg and defining a slot between said second post and said second pivot leg, said second post lying generally parallel to said first post; a first fastening means located on the outer surface of said first pivot leg forward of said first post; and, a closure strap having first and second ends and first and second surfaces, said first end having a second fastening means which cooperates with said first fastening means to secure said first end of said strap to said first pivot leg, and said second end of said strap having third fastening means to secure said strap to itself, wherein said strap is fed through said first slot and through said second slot, and said second end folds back over onto itself.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

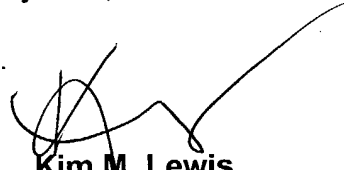
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is

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703.308.1191. The examiner can normally be reached on Mondays to Thursdays from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703.308.0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Kim M. Lewis**  
**Primary Examiner**  
**Art Unit 3743**

kml  
October 17, 2004